

Remarks/Arguments

The examiner in an Office Action dated 18 December 2002 rejected all of the pending claims 1-15. As such, this Office Action and the references cited therein have been carefully considered and this amendment is now presented in an effort to comply with Patent Office requirements and advance prosecution of the application.

The examiner objected to the drawings, under 37 CFR 1,83(a), as not showing the mechanism required to position the guide vanes as a function of "wind direction" and "inclination of the ground". The examiner's attention is directed to amended Figures 3 and 4 and amended paragraph 31 of the specification as illustrating the wind sensor 112 and the ground inclination sensor 114.

The examiner further objected to the drawings, under 37 CFR 1,83(a), as not showing various elements described in paragraph 31. With this amendment these elements have been identified with identifying numerals. As for the element "the spindle motor", that was only one example of the type of regulating motor 99 that could be used.

The examiner objected to the specification and rejected claims 11-12 and 14-15 as not being supported by the specification in such a way that a person having ordinary skill in the art could make and/or use the invention. It is respectfully submitted that to make this rejection the examiner must identify the level of skill in the art. Something he has not done. The applicant suggests that a person having ordinary skill in the art would be an agricultural combine design engineer with three years experience. As such he would be familiar with the effect of wind and slope on straw dispersion and would appreciate from the disclosure how the illustrated and disclosed invention would function in these conditions.

The examiner rejected claims 1-8 and 10 and 13, under 35 USC 102, as being anticipated by Baumgarten et al. The examiner asserts that in Figure 5 Baumgarten et al discloses "an identical disc 36" that is identical to the that shown in the application, "which allows the guide vanes to be continuously moved". It is respectfully submitted that Baumgarten et al could not function in the manner suggested by the examiner because the connecting links between arms 33A and 33B would interfere with one another as the disc 36 is rotated. Therefore Baumgarten et al does not disclose a drive that can **continuously move** the guide vanes transversely back and forth as called for in the claims.

"Version with Markings to Show Changes Made"

**[0031]** A mechanism to control the back and forth motion of the guide vanes 64 in response to wind and the inclination of the ground, and thereby a corresponding distribution of the conveyed crop is illustrated in figures 3 and 4. The rotating disk-shaped element 84 including the drive 78 and the shaft 82 are fastened to a mount 97 that is pivotally mounted about an axis of rotation 101 on the top sheet 60. The mount 97 is configured as a two arm lever. The element 84 is mounted on the first arm 106. An eye 110 is mounted on the second arm 108 which is coupled to a connecting component 100 that in turn is coupled to a regulating motor 99. The regulating motor 99 is driven by electrically (or hydraulically or pneumatically) and is controlled either manually or by means of a wind direction sensor 112 and/or a ground inclination sensor 114 corresponding to the wind direction or to the inclination of the ground. It can be configured as a spindle motor and performs a sideways sliding of the connecting component 100. By sliding the connecting component 100, the position of the rotating disk-shaped element 84 on the first arm of the mount 97 is changed to the left or the right. In this way the oscillating guide vanes 64 eject the chopped straw to conform to the side wind or the ground inclination conditions.

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In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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